

Exhibit 41

39 (Pages 150 to 153)

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1 MR. KORAL: You can ask, but you
2 better ask in writing. I will respond
3 when you ask in writing.

4 BY MR. AKIN:

5 Q Was there any other reports had an
6 impact on Mr. Gallo being terminated, besides
7 the audit report?

8 A No.

9 Q That was the only report?

10 A Yes.

11 Q Now, you also said "to clean
12 North America."

13 What did you mean by that?

14 A They wanted all the persons that were
15 involved in the managing administration and
16 legal things in North America, not to be any
17 more in that position.

18 Q Anything other than that?

19 A No.

20 Q Are you familiar with the term ,
21 "froccio"?

22 A What?

23 Q F-R-O-C-C-I-O?

24 A Yes.

25 Q What does that mean?

1 A No.

2 Q Was there ever any kind of meeting
3 held, regarding discrimination in America?

4 A No.

5 Q Okay. Are you aware of Title 7 in
6 the United States, which states that employers
7 are not to discriminate against individuals
8 based on race, religion, color, creed, or
9 sexual orientation?

10 MR. KORAL: Objection.

11 And by the way, Counselor, Title 7
12 does not address sexual orientation.

13 MR. AKIN: Right.

14 MR. KORAL: Thank you.

15 BY MR. AKIN:

16 Q Are you aware of that?

17 A Not the specific title, but...

18 Q But?

19 A The content, yes, that you mentioned.
20 Yes.

21 Q I'm sorry?

22 A But the content that you read, yes.

23 Q But you are aware that an employer is
24 not to discriminate against individuals, based
25 on race, religion, color, creed, sexual

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1 A It means, literally, "homosexual."

2 Q How do you feel about homosexuals?

3 MR. KORAL: Objection.

4 THE WITNESS: No problem at all.

5 BY MR. AKIN:

6 Q Anyone in Alitalia's management
7 that's homosexual, that you know of?

8 MR. KORAL: Objection.

9 THE WITNESS: Not that I'm aware.

10 BY MR. AKIN:

11 Q Are you aware of any policy that
12 Alitalia had, to terminate homosexuals?

13 A No.

14 Q Has anyone in Alitalia ever advised
15 you to discriminate against homosexuals?

16 A No.

17 Q Has anyone at Alitalia ever asked you
18 to discriminate against people who are older?

19 A No.

20 Q Was there ever a discussion had in
21 Alitalia, regarding discrimination in America?

22 A Be more precise?

23 Q Was there ever any conversations in
24 Alitalia -- in Alitalia, about Alitalia
25 discriminating against individuals in America?

1 orientation -- based on, I'll say, whether it
2 be Title 7, Executive Law 296; or New York City
3 Administrative Code, Title 8-107.

4 Are you aware?

5 MR. KORAL: What is the question?

6 I'm -- I can't figure --

7 MR. AKIN: If he's aware.

8 MR. KORAL: I don't even understand.

9 Can you read back the question,
10 please -- I'll reask the question.

11 BY MR. AKIN:

12 Q Are you aware, whether it be Title 7,
13 Executive Law 296; or New York City
14 Administrative Code, Section 8-107, that an
15 employer is not to discriminate against
16 individuals, employees, based on race,
17 religion, color, creed, or sexual orientation?

18 A I know the context. I wasn't aware
19 there was an Article 7.

20 Q But you are aware of the content?

21 A Yes.

22 Q But not the section of the statute?

23 A Yes.

24 Q Have you ever heard Mr. Libutti speak
25 adversely against homosexuals?

40 (Pages 154 to 157)

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1 A No.

2 Q Have you ever heard Mr. Libutti speak
3 adversely against older people?

4 A No.

5 Q Have you ever heard anyone in
6 Alitalia's management speak against homosexuals
7 or against older people?

8 A No.

9 Q Did Alitalia have a policy of
10 terminating older employees and replacing them
11 with younger employees?

12 A No.

13 Q Did Alitalia have a policy of
14 terminating anyone that they knew or suspected
15 was homosexual?

16 A No.

17 Q Did Mr. Gallo know Mr. Spazzadeschi?
18 MR. KORAL: Objection.

19 THE WITNESS: I don't know.

20 BY MR. AKIN:

21 Q Down if Mr. Gallo knew Mr. Cestaro?

22 A I don't know.

23 MR. AKIN: That's all I have.

24 Thank you very much.

25 MR. KORAL: I may have a few

1 ----- INDEX -----
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3 WITNESS EXAMINATION BY PAGE LINE
4 Mr. Galli Mr. Akin 5 6

5 ----- INFORMATION REQUESTS -----
6
7 DIRECTIONS: Page 47, Line 4; Page 102, Line 8
8 Page 102, Line 14; Page 130, Line 5
9 Page 141, Line 6
10 RULINGS: None
11 TO BE FURNISHED: None
12 REQUESTS: Page 148, Line 23
13 MOTIONS: None
14

15 ----- EXHIBITS -----
16 GALLI FOR ID.
17 NO. PAGE LINE
18 No. 1 MARKED FOR IDENTIFICATION: 50 22
Copy of an agreement.
19
20 Exh. 1 EXHIBIT PREVIOUSLY MARKED 53 4
LIBUTTI NUMBER 1 ON
21 JANUARY 22, 2008: The
agreement between
22 Mr. Gallo and Alitalia.
23
24 No. 2 MARKED FOR IDENTIFICATION: 120 8
An e-mail from Mr. Bruni.
25 No. 3 MARKED FOR IDENTIFICATION: 120 8
E-mail exchanges between
Mr. Chisi and Mr. Libutti
RE: station manager.

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1 questions for clarification. I want to
2 speak with Mr. Porru for a minute, so
3 don't close the deposition.

4 MR. AKIN: Sure.

5 I'm just going to stop the tape while
6 you take a break?

7 MR. KORAL: Yes, that's a good idea.
8 (Off the record at 12:07 p.m.)

9 (On the record at 12:10 p.m.)

10 MR. AKIN: And we are on.

11 Back from the break.

12 MR. KORAL: Mr. Galli, I have no
13 questions.

14 The deposition is closed.

15 MR. AKIN: Thank you very much.

16 THE REPORTER: Usual stips?

17 MR. KORAL: Usual stips.

18 MR. AKIN: Usual stips.

19 (DEPOSITION CONCLUDED: 12:10 P.M.)
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21
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23
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1 ----- EXHIBITS -----
2 (CONTINUED)
3 GALLI FOR ID.
4 NO. PAGE LINE

5
6 No. 4 MARKED FOR IDENTIFICATION: 120 8
Document from Orlandi to
7 Amurri, with a copy to
Mr. Gallo.
8 No. 2 An e-mail from Mr. Bruni. 123 11
9 No. 3 E-mail exchanges between 123 22
Mr. Chisi and Mr. Libutti
10 RE: station manager.
11 No. 4 Document from Mr. Orlandi 124 16
to Mr. Amurri, with a copy
12 to Mr. Gallo.
13 No. 5 MARKED FOR IDENTIFICATION: 125 16
US Employee Handbook.
14
15 Exh. C PREVIOUSLY MARKED EXHIBIT: 127 20
Three-page document.
16 Exh. D PREVIOUSLY MARKED EXHIBIT: 127 23
Two-page document.
17
18 Exh. C PREVIOUSLY MARKED EXHIBIT: 128 12
Three-page document.
19 Exh. D PREVIOUSLY MARKED EXHIBIT: 128 15
Two-page document.
20
21 Exh. C PREVIOUSLY MARKED EXHIBIT: 130 1
Three-page document.
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